

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TRAVIS L. REED and TARA Y. REED,)	
Plaintiffs,)	
)	
vs.)	1:06-cv-1212-LJM-WTL
)	
AID ASSOCIATES, INC., a New York)	
corporation d/b/a PLAZA ASSOCIATES,)	
Defendant.)	

ORDER ON CROSS MOTIONS FOR SUMMARY JUDGMENT

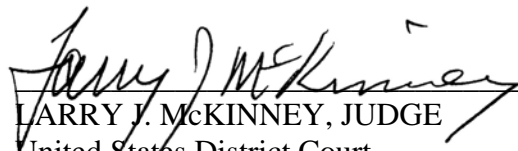
This matter pends on defendant's, AID Associates, Inc., a New York corporation doing business as Plaza Associates ("Defendant"), Motion for Summary Judgment and on Plaintiffs', Travis L. Reed and Tara Y. Reed ("Plaintiffs"), Cross-Motion for Summary Judgment. The outcome of this case on one of Plaintiffs' theories of liability appears to turn on whether Defendant was aware of Plaintiffs' bankruptcy or knew that they had counsel when collection letters were sent to them by Defendant. Plaintiffs insist that Defendant knew of both facts and Defendant denies knowing either fact.

Defendant has filed the reply to its Motion for Summary Judgment and its response to Plaintiffs' Cross-Motion for Summary Judgment. The Court is aware that Plaintiffs' reply in support of their Cross-Motion for Summary Judgment is not due until April 11, 2008. Given the factual disagreement between the parties, the Court finds that further briefing in this matter will be neither productive nor necessary.

Section 1692c(a)(2) of the Fair Debt Collection Practices Act ("FDCPA") prohibits communication by a debt collector with consumers represented by counsel. Section 1692e of the FDCPA prohibits a debt collector from claiming a debt is owed when the debt is subject to

bankruptcy proceedings. Because the parties are diametrically opposed on the facts, summary judgment on this theory is inappropriate and the cross motions for summary judgment are **DENIED** on the issue.

IT IS SO ORDERED this 26th day of March, 2008.


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

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